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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/624,532

07/23/2003

Woo-Young Jang

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6657

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EXAMINER

APANIUS, MICHAEL

ART UNIT

PAPER NUMBER

3736

MAIL DATE

DELIVERY MODE

07/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ED

Office Action Summary	Application No. 10/624,532	Applicant(s) JANG ET AL.	
	Examiner Michael Apanius	Art Unit 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 17, 19, 24, 28-40, 45, 50 and 53-68 is/are pending in the application.
- 4a) Of the above claim(s) 2, 7, 9, 11, 30, 35, 37 and 50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 8, 10, 17, 19, 24, 28, 29, 31-34, 36, 38-40, 45 and 53-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/30/2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/30/2007 has been entered. The amendments to claims 1 and 28; the addition of new claim 68; the cancellation of claims 12-16, 41-44 and 51; the amendments to the specification; and the replacement drawing sheet are acknowledged.

Election/Restrictions

2. Applicant requests that withdrawn claims 2, 7, 9 and 11 be rejoined since generic claim 1 is believed to be allowable over the cited prior art references. In response, it is noted that a new rejection of claim 1 is set forth below and therefore a rejoinder would be premature. In addition, it is noted that the features of claims 2 and 11 were not originally disclosed for use with the perpendicular adjustors set forth in claim 1. The perpendicular adjustors are not used with all of the claimed electrode embodiments (see paragraph 45 of the specification).
3. Applicant requests that the restriction requirement mailed on 8/29/2005 be withdrawn because there is no longer an evidence claim to support a restriction

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between combination and subcombination. Upon further consideration and in view of the amended claims, the restriction requirement of 8/29/2005 is hereby withdrawn.

Claims 28, 29, 31-34, 36, 38-40, 45 and 61-67 are no longer withdrawn from consideration. However, the election of species of 8/29/2005 is maintained.

4. In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

5. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Drawings

6. The amendment filed 4/30/2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows.

7. The new figure 7 shows a central "box" that is unlabelled. It is unclear what this element is and if it is properly supported by the original disclosure. The figure also shows particular electrodes that do not appear to be properly supported. The perpendicular adjusters may be used with the electrode configuration shown in figures

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2A-2D, but figure 7 shows the electrodes similar as to how they appear in figure 4A. In addition, the details of the figure do not appear to be properly supported. For example, the new figure shows one adjustor being located above the other. The original disclosure does not appear to describe this particular arrangement. Many arrangements are possible and it is unclear why the particular arrangement shown in figure 7 is properly supported by the original disclosure. Since the perpendicular adjustors were only broadly described in the original disclosure, the new drawing shows many details of the perpendicular adjustors that are not properly supported by the original disclosure.

8. Applicant is required to cancel the new matter in the reply to this Office Action. However, the drawings must show every feature of the invention specified in the claims.

Specification

9. The disclosure is objected to because of the following informality. It appears that paragraph 45.1 should be deleted. Appropriate correction is required.
10. It is respectfully noted that the specification amendments included in the non-entered after final amendment of 2/26/2007 were not included in the amendment of 4/30/2007. These amendments should be resubmitted.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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12. Claims 1, 3-6, 8, 10, 17, 19, 24, 28, 29, 31-34, 36, 38-40, 45 and 53-68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. At claim 1, lines 11-12, "a fixing stuff for fixing each of the current supply electrodes to the first stationary screw line" is stated. A similar limitation is recited at lines 16-18 of claim 1. The original disclosure appears to describe a plurality of fixing studs, wherein each fixing stud fixes one of the electrodes to a stationary screw line. The above noted limitations are indefinite because it is unclear how a single fixing stud would fix multiple electrodes to the stationary screw line. Claim 28 recites the same language and is similarly rejected.

13. In addition, "the first and second electrodes" appears to lack proper antecedent basis in claim 36.

Conclusion


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Apanius whose telephone number is (571) 272-5537. The examiner can normally be reached on Mon-Fri 8am-4:30pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA


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